

REMARKS

Claims 1-4 and 7-24 are pending in the application. By this Amendment, applicant amends claims 1, 2, and 19-24 to incorporate the subject matter of claims 5 and 6, which are hereby canceled. Accordingly, no new matter has been added by the claim amendments.

Claims 1-5 and 7-25 stand rejected under 35 U.S.C. § 102(e) as anticipated by Gharavi, U.S. Patent No. 6,665,479 ("Gharavi"), and claim 6 stands rejected under 35 U.S.C. § 103(a) as obvious over Gharavi in view of Chan et al., U.S. Patent No. 6,091,879 ("Chan et al."). Applicant respectfully traverses the rejection of the claims and requests withdrawal and reconsideration.

Claim Rejections under 35 U.S.C. 102

The rejection of claims 1-4 and 7-25 under 35 U.S.C. § 102(e) as anticipated by Gharavi should be withdrawn because Gharavi fails to disclose the claimed optical device which is an optical attenuator or an optical modulator. Instead Gharavi describes polymeric devices including an optical laser and an optical amplifier which increases the optical signal level, but fails to disclose or suggest an optical attenuator or an optical modulator which reduce the optical signal level. While Gharavi discloses that a grating can act as a modulator, filter, or reflector (Gharavi, col. 27, l. 29 to col. 28, l. 6), it fails to disclose or suggest a modulator having the elements of the claims. Accordingly, the anticipation rejection should be withdrawn.

Claim Rejection under 35 U.S.C. 103:

Further, the obviousness rejection over Gharavi in view of Chan et al. should not be applied against the amended claims because Gharavi fails to disclose or suggest that its device could be an optical modulator or attenuator and Chan et al. fails to suggest that the optical device of Gharavi could be modified so that it may be used as an optical modulator.

In view of the foregoing, applicant believes the application, as a whole, is in condition for allowance, and such action is requested at the Examiner's earliest convenience. The Examiner is invited to contact applicant's undersigned attorney with any questions or comments regarding this Amendment or the application as a whole.

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Amendment dated September 20, 2005
Reply to Office Action of March 21, 2005

Docket No.: 29634/38405A

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account 13-2855, under Order No. 29634/38405-A. A duplicate copy of this paper is enclosed.

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Respectfully submitted,

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